IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 4696 OF 2004

Dinesh Chetandas Motwani & ors. ... Applicants

versus

State of Maharashtra & ors. ... Respondents

...

Ms. Prianka Vegas with Mr. H.K. Prem, for the Applicants.

Mr. V.B. Konde Deshmukh, A.P.P., for Respondents Nos. 1 and 2.

Mr. A.M. Saraogi with Mr. S.K. Chaurasia, for Respondents Nos. 3 and 4.

...

CORAM : A.M.KHANWILKAR,J.

5th November 2004

P.C.:

. Heard Counsel for the parties. Rule. Rule made returnable forthwith by consent. Mr. Konde Deshmukh, A.P.P., waives notice for Respondents Nos. 1 and 2 and Mr. Saraogi waives notice for Respondents Nos. 3 and 4. As short question is involved, petition taken up for final

disposal forthwith by consent.

. The Applicants are facing trial in connection with offences registered against them being CR.No. 138/2004 at Versova Police Station, Andheri, Mumbai. During the pendency of criminal action, parties have arrived at settlement resolving all disputes inter se. Even the civil action pending between the parties has been terminated on the basis of the said settlement. In view of the said settlement, the present petition has been filed on behalf of the Petitioners praying that the criminal action pending against them be quashed as that was one of the conditions for settlement arrived at between the parties. Counsel for Respondents Nos. 3 and 4 has no objection, if such a course is adopted. Counsel for Respondents Nos. 3 and 4 states on instructions that they have no intention to continue the criminal action against the Applicants. In the circumstances, no fruitful purpose will be served by continuing the criminal action against the Petitioners. Accordingly, in the interest of justice, I think it appropriate to quash the criminal action pending against the Petitioners. The petition,

therefore, succeeds in terms of prayer clause (a) which reads thus :

> "that C.C.No.464/PW/2004 pending on the file of the learned Addl. Chief Metropolitan Magistrate's 44th Court at Andheri, Mumbai, under sections 143, 147, 149, 323, 324, 452 and 504 of Indian Penal Code be quashed."

. Parties to act on the authenticated copy of this order.

(A.M.KHANWILKAR,J.)